

CPM

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/727,348	DIAB, MOHAMED K.	
	Examiner	Art Unit	
	Bryan Bui	2863	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/7/2005.
2. ☒ The allowed claim(s) is/are 1-16 and 18.
3. ☒ The drawings filed on 07 June 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>12/3/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

1. Applicant's papers filed on 6/7/2005 have been received and entered. Claim 17 has been cancelled without prejudice or disclaimer. Claim 18 has been added. Claims 1-16 and 18 are pending in the application.
2. Applicant's remarks have been considered.

***Allowable Subject Matter***

3. Claims 1-16 and 18 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed combination as require: a divider which determines ratios of the first modified signal to the second modified signal and calculator which uses one or more calibration curves and the ratios to determine output values of one or more physiological of the patient (claim 1); combining the plurality of complex signals into complex numbers and determining values of measure a patient's blood oxygen saturation from the complex numbers (claim 11); converting the real domain values of the data for each of the at least one signal to separate signals in the complex domain, processing the values in the complex domain and determining a characteristic of the body tissue (claim 18).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

6/16/2005

**BRYAN BUI**  
**PRIMARY EXAMINER**





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/727,348  
Applicant : Mohamed K. Diab  
Filed : December 3, 2003  
TC/A.U. : 2863  
Examiner : Bryan Bui

Title : **SYSTEMS AND  
METHODS FOR  
DETERMINING BLOOD  
OXYGEN SATURATION  
VALUES USING  
COMPLEX NUMBER  
ENCODING**

Docket No. : MLABS.021A  
Customer No. : 20,995

Confirmation No. : 5470

**Express Mail Certification**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 7, 2005

(Date)

John M. Grover, Reg. No. 42,610

**Mail Stop Amendment**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF FORMAL DRAWINGS**

Dear Sir:

Applicant submits herewith twenty-two (22) sheets of formal drawings to replace the figures filed on December 3, 2003. Approval of the enclosed formal drawings is respectfully requested.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 7, 2005

By:

John M. Grover

Registration No. 42,610

Attorney of Record

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